REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments to the claims and the following remarks.

The status of the claims stand as follows:

Claims 1-13 rejected; and

Claim 9 objected to but indicated as allowable.

The Examiner is thanked for the indication that Claim 9 contains allowable subject matter, however this Claim has not been rewritten in independent form or amended because it is contended that all claims now presented for Examination are in full compliance with 35 USC § 112, Second Paragraph.

With regard to the rejection of all the claims under 35 USC §112, Second Paragraph, the Examiner's attention is directed to the amendments to Claims 1 and 13. In both of these claims, the phrase "a certain amount of" prior to "play" or "angular play" has been deleted. It is contended that the usage of the word play in the claims is fully consistent with the commonly understood meaning of this word, that is, a certain amount of movement. Therefore, these claims are in full compliance with the 35 USC §112, Second Paragraph as these claims do particularly point out and distinctly claim what applicants regard as their invention. With regard to Claim 8, this claim is directed to a second embodiment of the present invention. In particular, Claim 8 relates to the structure as shown in Figures 9, 10 and 11 where the slug and slug carrier are an alternative embodiment of the locking member as shown in Figure 4. This is clearly set forth in Claim 8 where it says that each locking member comprises a slug carrier and a slug. Accordingly, the locking members cooperate with the teeth on the cheek plate whether these locking members are as shown in Figure 4 or shown in Figures 9, 10 and 11. It is believed that the language is clear and there should be no confusion relative to the locking members in Claim 1 and the structure of the slug carrier and slug in Claims 8 and 9. Accordingly, it is contended that Claims 1-13 are in full compliance with 35 USC § 112, Second Paragraph and any further rejections of these claims on this basis would appear unwarranted.

The Examiner has also rejected Claims 1-8 and 10 and 13 under 35 USC § 103a as unpatentable over US Patent 6 095 608 ('608 patent) in view of US Patent 4 770 464 ('464 patent). This rejection is respectfully traversed.

With regards to the '608 Patent, the Examiner should note that this is the US equivalent of the French Patent mentioned and described in the background of the invention in the instant application. In the '608 patent, the vehicle seats have a locking member comprising first and second hinges which are identical and which do not allow for any circumferential play. The Examiner recognizes this deficiency in the rejection and combines the '608 patent with the disclosure of the '464 patent which the Examiner views as showing allow a certain amount of play within the hinges and locking mechanisms. However, contrary to the Examiner's position, the '464 patent also describes two hinges which are identical and describes a device that allows the seat back to be adjusted in more fine increments than the angle of the tooth. This is accomplished by the specific structure set out in the '464 patent. But while the '464 patent structure allows a certain amount of play, it does not describe or suggest that modifying one of the hinge locking members to allow play while the other hinge locking member does not allow any play results in more secure locking of the seat back. There is no disclosure or suggestion in either the '608 patent or the '464 patent of the use of two different hinge mechanisms, one not allowing any circumferential play and the other allowing circumferential play. Further, there is no disclosure or suggestion of the result of this structure, namely a more secure locking of the seat back. Therefore, the combination of the '608 patent and the'464 patent is not appropriate as there is no motivation or suggestion to combine these two references to achieve the result set out in the present invention. Accordingly, this rejection would appear unwarranted and therefore should be withdrawn.

In addition, the Examiner has rejected Claims 11 and 12 as unpatenable under 35 USC § 103a based on the '608 patent in view of the '464 patent and further in view of US Patent 6,561,585 ('585 patent). This rejection is respectfully traversed.

Initially it is noted that Claims 11 and 12 are dependent upon Claim 1 which it is viewed as being impermissibly rejected under 35 USC § 103a based on the combination of the '608 patent and the '464 patent. The further rejection of Claims 11 and 12 in view of these two

patents plus the '585 patent would also appear unwarranted based on the above comments. Therefore, this rejection should be withdrawn.

It is contended that the instant application has been placed in condition for allowance so all claims are in compliance with both 35 USC §112, Second Paragraph and 35 USC §103a. An early indication of allowability of this application is respectfully requested.

Respectfully submitted,

McCracken & Frank LLP
200 W. Adams
Suite 2150
Chicago, IL 60606
Telephone: (312) 263-4700
Facsimile: (312) 263-3990
Customer No.: 29471

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By: _____
J. William Frank, III
Reg. No. 25,626